

**COMMITTEE ON LAND USE**  
**(Standing Committee of Berkeley County Council)**

**Chairman:** Mr. Phillip Farley, Council Member District No. 1

A **meeting** of the **Committee on Land Use**, Standing Committee of Berkeley County Council, was held on **Monday, July 9, 2012**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:08 p.m.

**PRESENT:** Chairman Phillip Farley, Council District No. 1; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Steve C. Davis, Council District No. 8; ex-officios Mr. Daniel W. Davis, County Supervisor, Mr. Robert O. Call, Council District No. 3 and Mr. Dennis Fish, Council District No. 5; Ms. Nicole Ewing, County Attorney and Ms. Catherine Windham, Interim Clerk of County Council. Mr. Caldwell Pinckney, Jr., Council District No. 7 was excused. Mr. Timothy J. Callanan, Council District No. 2 was absent.

*In accordance with the Freedom of Information Act, the electronic and print media were duly notified.*

Chairman Farley: "Good evening ladies and gentlemen. I'd like to call the Committee on Land Use to order and have Mr. Colin Martin give us the invocation and Mr. Fish, to lead us in the Pledge of Allegiance to the Flag of the United States of America."

Chairman Farley: "Ms. Clerk, has this meeting been properly noticed via the South Carolina Freedom of Information Act?"

Ms. Windham: "Yes sir, it has."

**APPROVAL OF MINUTES:**

**June 11, 2012**

Chairman Farley: "First on the agenda is the approval of the minutes from the June 11, 2012 meeting."

Committee Member S. Davis: "Move for approval."

Committee Member C. Davis: "Second."

Chairman Farley: "I have a motion and a second. Are there any corrections to these minutes? All in favor please say Aye? (Ayes). All opposed, Nay? (No Response). The minutes stand approved as presented."

It was moved by Committee Member S. Davis and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Next is ..."

**A. Consideration prior to First Reading of the following:**

- 1. Request by James Patenaude for Yeros Investments, located at 2509 Clements Ferry Road, Charleston, TMS #271-00-02-045, (5.01 +/- Acres) from GC, General Commercial District to LI, Light Industrial District. Council District 8.**

Mr. Eric Greenway: "This is an existing facility located on Clements Ferry Road that was built prior to zoning and whenever zoning came in the property was zoned General Commercial but it is more of a Light Industrial type use for the warehousing and distribution. It fits in with our Comprehensive Plan for the area you all rezoned some months ago. The property just to the left of this to Light Industrial and we fully support the request and think it is a better use for the property in this area. That is all that I have unless you all have any questions."

Committee Member S. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** consideration, prior to First Reading, a request by **James Patenaude for Yeros Investments**. The motion passed by majority voice vote of the Committee.

- 2. Request by Berkeley County Council for Shelby Ann Clark, located 216 & 217 Kaney Lane, Moncks Corner, TMS #141-00-02-011 (13.52 +/- Acres) from PDMU, Planned Development Mixed Use District to Flex-1, Agricultural District. Council District 6.**

Mr. Greenway: "This is one of those issues that we've had a few times come before Council. This property was rezoned some time ago from Flex-1 to Flex-2 and then Flex-2 was done away with as a part of the Zoning Ordinance and all of that property went to PDMU. There is no development plan with these properties, therefore there is no additional development that can occur on this property unless it is rezoned. The property owner is working with Councilman Schurlknight and has requested to go back to Flex-1. She is using the property as a residential use and would like to build a storage building/garage on the property and we cannot permit that."

Committee Member Schurlknight: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** consideration, prior to First Reading, a request by **Berkeley County Council for Shelby Ann Clark**. The motion passed by majority voice vote of the Committee.

3. **Request by Farmers and Merchants Bank**, located at 2725 South Live Oak Drive, Moncks Corner, TMS #196-13-00-005, (0.67 +/- Acres) from **R-2, Manufactured Residential District to GC, General Commercial District**. Council District 6.

Mr. Greenway: "Yes sir. Again as you said, this property is zoned R-2. It is a commercial building that sits on the property. It is a rather large building that sits there and historically had been used as a commercial use, but as you all know, if you take a grandfathered use and convert it into a compliant use for that zoning district, you cannot then go back to the previous use. This building was converted into a church which is allowed in the R-2 zoning district and then sequentially was foreclosed upon by the bank and they would like to market the property for a commercial enterprise. We think it is better suited, of course as a commercial property than a residential property. Therefore, we support the request."

Council Member Schurlknight: "Mr. Chairman"

Chairman Farley: "Yes sir. Can I get a motion?"

Council Member Schurlknight: "Yes, I move to approve."

Chairman Farley: "Ok, I have a motion. Do I have a second?"

Council Member S. Davis: "Second"

Chairman Farley: "We have a second and then we have discussion."

Council Member Schurlknight: "Eric, is this the car lot up on 17? It used to be Smalls car lot, I believe it was."

Mr. Greenway: "Yes, that is correct. Mr. Smalls is..."

Council Member Schurlknight: "It's right there on 17."

Mr. Greenway: "That is correct, yes."

Chairman Farley: "Any more discussion? All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** consideration, prior to First Reading, a request by **Farmers and Merchants Bank**. The motion passed by majority voice vote of the Committee.

**B. Review prior to Second Reading of the following:**

1. **Bill No. 12-17**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: William and Theresa Price**, located at 248 Harvest Road, Moncks Corner, **TMS #195-12-01-006**, (3.66 ± acres), from **R-2, Manufactured Residential District**, to **R-2R(F), Mobile Home Rural Farm Residential District**. Council District 6

Committee Member Schurlknight: "Move for approval."

Committee Member S. Davis: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** consideration, prior to **Second Reading**, of **Bill No. 12-17**. The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 12-18**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Ray Sedgwick**, located at 1020 English Drive (Canal Lakes Fish Camp), Cross, **TMS #031-00-03-044 and TMS #031-00-03-045**, (10.12 ± acres), from **GC, General Commercial District (-044)**, and **R-3, Mobile Home Park District (-045)**, to **RNC, Rural Neighborhood Commercial District**. Council District 7

Committee Member S. Davis: "Move for approval."

Committee Member Schurlknight: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion on this one? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** consideration, prior to **Second Reading**, of **Bill No. 12-18**. The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 12-19**, an **ordinance** authorizing the County Supervisor to execute a **Quit Claim Deed** from Berkeley County to **MWV-Sheep Island, LLC**, for the property herein described as a portion of Turtle Pond Road.

Committee Member C. Davis: "Move for approval."

Committee Member S. Davis: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** consideration, prior to **Second Reading**, of **Bill No. 12-19**. The motion passed by unanimous voice vote of the Committee.

**4. Bill No. 12-20**, consideration of an **amendment** to the **Planned Development Mixed Use Assessment** for Cane Bay Plantation (PDMU) Re: Liquor Stores

Committee Member Schurlknight: "Move for approval."

Chairman Farley: "I have a motion. Do I have a second?"

Committee Member C. Davis: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion?"

Committee Member Schurlknight: "Eric, can you kinda enlightened me a little more on this bill?"

Mr. Greenway: "Yes, if I could get you all to turn around and look at the screen there. Essentially what you have occurring here is the existing market at Cane Bay, which is the shopping center there at Cane Bay that has the Publix in it. We have a requirement in our zoning code right now that says that liquor stores have to be 1,000 feet from any school or church or daycare operation and things like that. But you measure that from the building where the use is going to be established to the property line of the adjacent use of the school. And as you can see the property line there on these schools is very close to the market at Cane Bay, but actually the distance from the left side of the building where the liquor store is proposed, is going to be well beyond the 1,000 feet from the school building. They are requesting an amendment to be closer. I think it is 500 feet from the building to the property line that they are requesting to be consistent with State law. We don't have any problem with that since it is still going to be 1,000 feet between the two uses."

Chairman Farley: "We also have an amendment on this correct?"

Mr. Greenway: "Yes, at the prior to First Reading, you requested that it not extend to a bars, just be a requirement, an amendment for the liquor store to be within 1,000 foot parameter or 500 feet to meet the 500 feet distance."

Chairman Farley: "Thank you. All in favor? (Ayes). All opposed? (No Response). The motion moves forward."

It was moved by Committee Member Schurlknight and seconded by Committee Member C. Davis to **approve** consideration, prior to **Second Reading**, of **Bill No. 12-20**. The motion passed by unanimous voice vote of the Committee.

**C. Review prior to Third Reading of the following:**

- 1. Bill No. 12-15**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Brandy Patterson**, 636 South Live Oak Drive, Moncks Corner, **TMS #142-14-00-011**, (0.82 ± acre), from **GC, General Commercial District**, to **R-2, Manufactured Residential District**. Council District 8

Committee Member S. Davis: "Move for approval."

Committee Member Schurlknight: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** consideration, prior to **Third Reading**, of **Bill No. 12-15**. The motion passed by unanimous voice vote of the Committee.

- 2. Bill No. 12-16**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Mead Westvaco Camp Hall, LLC**, located in an area of the County bounded by I-26 to the southwest, SC Highway 27 to the west, and Fish Road to the northeast, Summerville, **TMS #157-00-00-003**, (6,781.16 ± acres), from **F-1, Agricultural District**, to **PD-OP/IP, Planned Development Office/Industrial Park District**. Council District 7

Committee Member S. Davis: "Move for approval."

Committee Member C. Davis: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion?"

Committee Member Schurlknight: "Yes, Mr. Chairman. Eric, on this one here. I've gotten a couple of calls from people that live out on Fish Road. I'm sure that everybody has probably heard from some of those residents out there. They paint a pretty tough picture of a lot of traffic being on that. Can you kinda enlighten us on the traffic?"

Mr. Greenway: "Well, one of the difficulties we've had in planning this particular site is that none of us know what's going to go there. The property is trying to be titled at this particular point and that is why they are requesting the rezone to an office park, industrial park

classification. We do not know the intent of the user that is going to go there as this time. That's why we wrote the document so that once the user is identified, traffic impact studies have to be done to take into account the transportation improvements that have to occur out there. The community met a couple of time on this particular issue and I am certainly aware of the concern of the connection across Fish Road out to 176 that could potentially occur in the future. The community as a whole felt that rezoning the property and I think from a Planning standpoint to rezone the property to this Planned Development/Office Park/Industrial Park category is preferable to the long term scenario to leave it as Flex-1. You are looking at a piece of property here where you could have upwards of 5 to 6,000 homes built long term and if that occurs then the traffic from that would be much more severe for the community than a planned transportation network that we are going to have underneath the scenario that has been presented to you all."

Committee Member Schurlknight: "I don't think that they had a problem with the zoning request. They just had concerns about traffic. I think what you are saying is that we can revisit this issue later when we find out what is going in there with the traffic studies."

Mr. Greenway: "Yeah and certainly they are proposing a connection across Fish Road out to 176 whenever the traffic is necessary for that connection to occur and the necessary transportation improvements have to take place. Now, everyone in that community understands that regardless of where the access roads are, everyone is going to have a bunch of traffic if this develops the way they think it is going to develop with the mega industrial user that it is being targeted for. It is going to have a tremendous impact on the entire community out there from a traffic standpoint. We have put in appropriate safeguards to make sure that those transportation considerations are appropriately addressed when it is time to address them."

Committee Member Schurlknight: "Thank you"

Chairman Farley: "I think that once they find and market to companies, then they will have to do a traffic study and then we will go from there. I have a motion and a second. All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member C. Davis to **approve** consideration, prior to **Third Reading**, of **Bill No. 12-16**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "I would entertain a motion to adjourn."

Committee Member Schurlknight: "So move."

Committee Member S. Davis: "Second."

Chairman Farley: "I have a motion and a second. All in favor? (Ayes). All opposed? (No Response). We are adjourned."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Land Use. The motion passed by unanimous voice vote of the Committee.

The meeting on Land Use ended at 6:20 p.m.

August 13, 2012

Date Approved